

## Academics slam cross-strait regulations

Written by Taipei Times

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Academics yesterday criticized a proposed amendment to the Regulations Governing the Approval and Administration of Direct Cross-Strait Sea Transport between the Taiwan Area and the Mainland Area (海峽交流條例), saying that President Ma Ying-jeou's (馬英九) administration is threatening national security by allowing "all kinds of Chinese ships to navigate freely in the waters around Taiwan."

The Act Governing Relations between the People of the Taiwan Area and the Mainland Area (兩岸關係條例) states that no Chinese vessels may enter restricted or prohibited waters in Taiwan's territory unless permitted by the relevant authorities.

The term "restricted waters" refers to the territorial waters 12 nautical miles (22km) from the coast, whereas the "prohibited waters" refer to the adjacent areas 24 nautical miles from the nation's coast.

The Ministry of Transportation and Communications is mulling amending the regulations governing the administration of direct cross-strait sea transport by allowing Chinese vessels to navigate the sea around the nation as long as they file an application 24 hours in advance.

National Taiwan University law professor Chiang Huang-chih (黃光治), who specializes maritime law, said that the regulations only allow cross-strait shipping service operators to enter the nation's seaports, but the amendment would allow Chinese vessels to navigate through the nation's restricted and prohibited waters without specifying the type of vessel.

He said that the amendment therefore leaves the door wide open for all Chinese vessels.

"The amendment would render the Act Governing Relations between the People of the Taiwan Area and the Mainland Area useless," he said.

"Any Chinese warship and law enforcement vessel can display Chinese flags and move freely in our waters, posing a threat to national security considering that China has not foregone its

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intention to annex Taiwan,” he added.

Former Taiwan Solidarity Union Party legislator Hsu Chun-hsin (許俊雄), who is now a law professor in National Cheng Kung University, said China has territorial conflicts with Japan, Vietnam and the Philippines, and that Taiwan would become involved in these conflicts if it permits Chinese warships to navigate its waters.

In response, the ministry said that any ship registered abroad can be given “innocent passage” through the nation’s waters, and it is unreasonable to impose specific restrictions on Chinese ships.

The amendment only applies to ships regulated by the ministry, it said.

Warships are regulated exclusively by the Ministry of National Defense, it added.

However, Chiang questioned the necessity of such an amendment.

“The regulations have been enforced for decades without inducing any protest from China. Why do we need to change them?” he said. “It is also suspicious why the amendment did not define what is meant by ‘vessels.’”

“It is relatively easier to regulate the cross-strait direct-shipping service now because all vessels need to secure approval first and be inspected regularly, their number is limited.” Chiang said. “The amendment would only increase the burden and pressure on the administrative authority, given the 24-hour review rule and variety of the ships allowed.”

Source: [Taipei Times - 2014/04/19](#)